From: California Law360
To: Gorwood, Kathy
Subject: Google Memo Author Sues Claiming Anti-Male Bias
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Law360 California

CALIFORNIA

Tuesday, January 9, 2018

TOP NEWS

Google Memo Author Sues Claiming Anti-Male Bias

A former Google Inc. software engineer who was fired after authoring a divisive memo criticizing the company's diversity policies hit the tech giant with a putative class action in California court Monday, claiming Google discriminates against conservative, Caucasian men who support President Donald Trump. Read more »

Ex-Apple Atty's Wrongful Firing Suit Presses On

A California judge on Monday trimmed a former Apple in-house attorney's suit against the tech giant but ruled she can continue with her claim that she was wrongfully terminated after complaining of gender and age discrimination, saying Apple's argument that the suit is based on privileged information is an evidentiary issue for a later date. Read more »

9th Circ. Mostly Sides With Oracle In Rimini Copyright Suit

The Ninth Circuit ruled Monday that Rimini Street Inc. violated copyright law by offering unauthorized support services for Oracle software, though it also rejected claims that the smaller firm breached state computer fraud laws by using automated tools to download files en masse. Read more »

Finjan Says Symantec Unit Owes $30M In IP Trial Rematch

Months after a California federal jury ordered Symantec unit Blue Coat Systems to pay Finjan Inc. $490,000 for infringing two cybersecurity patents, Finjan greeted eight new jurors Monday and asked for $30 million for two other patents on which the prior jury hung. Read more »

Genomics IP Trial Between Illumina And Ariosa Kicks Off

A California federal jury trial over two DNA testing patents kicked off Monday with genomics company Illumina arguing that Ariosa Diagnostics' prenatal testing technology infringed its patents, while Ariosa countered that the patents are invalid and that Illumina owes it $17.5 million for breaching a licensing agreement. Read more »

Twitter Accused Of Violating Conservative's Free Speech

A conservative writer is accusing Twitter Inc. of booting him from its scrolls for his political beliefs in violation of the California Constitution and state consumer protection laws, according to a lawsuit filed Monday in state court. Read more »

ENERGY & ENVIRONMENTAL

9th Circ. Overturns FERC Decision On PG&E Incentive

The Ninth Circuit ruled Monday that the Federal Energy Regulatory Commission erroneously awarded an incentive to the Pacific Gas & Electric Co. for doing something required by California law, finding the agency's reading of its own rule was "merely a convenient litigating position." Read more »

High Court Won't Hear Challenge To Calif. Suction Mining Ban

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Jackson Lewis
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Kirkland & Ellis
Klee Tuchin
Kramer Levin
Latham & Watkins
Lewis Brisbois
Lombardi Loper
Milberg LLP
Morgan Lewis

The U.S. Supreme Court denied a gold miner's petition on Monday that argued a moratorium on suction dredging for gold in California was preempted by federal law, leaving in place a state Supreme Court decision upholding the state's policy. Read more »

INSURANCE

Calif. Court Tosses Suit Over Untouchable Settlement Annuity

A California appellate court declined Friday to revive claims by a deceased patient's father that a settlement agreement after her death should not have allocated funds to purchase an annuity that would never be paid out. Read more »

PRIVACY & CONSUMER PROTECTION

Net Neutrality End Doesn't Affect Throttling Case, AT&T Says

The Federal Communications Commission's repeal of net neutrality shouldn't strengthen a tossed Federal Trade Commission suit accusing AT&T Mobility LLC of secretly throttling data for customers grandfathered in on "unlimited" data plans, the telecommunications giant told the full Ninth Circuit on Monday. Read more »

Walmart Shoppers Sue Over Labeling Of 'Cage-Free' Eggs

A proposed class of consumers sued Walmart Stores Inc. and an egg supplier in California federal court Monday for allegedly lying about the treatment and condition of hens laying Walmart store-brand Organic Marketside eggs, saying the "cage-free" eggs are falsely labeled as having come from hens with outdoor access. Read more »

Firm Fighting Equinox In TM Spat Defends False Ad Claims

A California hospitality company that shares a name with high-end gym operator Equinox said Friday that its false advertising claims against Equinox shouldn't be thrown out because they sufficiently suggest that the fitness club's promotion of its planned hotel business is confusing the public. Read more »

49ers Must Hand Fans Info On Potential Class For ADA Suit

A California federal judge on Friday said she would allow disabled fans suing the San Francisco 49ers and the city of Santa Clara to reach out to potential class members who purchased accessible seats at Levi's Stadium, saying anyone concerned about their privacy may opt to not have their identities disclosed. Read more »

'5 Bite Diet' Doc's Privacy Suit Won't Get High Court Look

The U.S. Supreme Court on Monday declined to review a California Supreme Court decision that said "serious intrusions" into patient privacy were justified during an investigation of a physician who promotes a "five bite diet" for weight loss. Read more »

INTELLECTUAL PROPERTY

Fox Factory Patent Suits Moved From Calif. To Colo.

Citing the Federal Circuit's take on the high court's landmark TC Heartland ruling, a California federal judge on Monday granted transfer to Colorado in a pair of infringement suits filed by Fox Factory Inc. over patents for bicycle shock absorbers and suspension forks. Read more »

EMPLOYMENT

LA City Atty Claims Port Truck Drivers Are Misclassified

The city of Los Angeles filed a trio of lawsuits against major port trucking companies owned by NFI Industries Inc. on Monday, alleging they misclassify truck drivers as independent contractors instead of employees as a "scheme" to avoid paying taxes, benefits and other costs. Read more »

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O'Melveny & Myers
Orrick Herrington
Peiffer Rosca
Perkins Coie
Reed Smith
Riley Safer
Riley Warnock
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COMPANIES

AT&T Inc.
AU Optronics Corp.
Acer Inc.
Allergan PLC
Apple Inc.
ArcelorMittal
Ariosa Diagnostics Inc.
Blue Coat Systems Inc
BuzzFeed Inc.
Cal-Maine Foods Inc.
California Independent System Operator
Dell Technologies Inc.
Econ One Research Inc.
Electronic Frontier Foundation
Equifax Inc.
Equinox Holdings Inc.
Finjan Holdings Inc.
Frito-Lay Inc.
Google Inc.
Hitachi Ltd.
Honda Motor Co. Ltd.
Illumina Inc.
Intel Corporation
International Brotherhood of Teamsters
LG Electronics Inc.
Lenovo Group Ltd.
Live Nation Entertainment Inc.
Micron Technology Inc.

Calif. Med Board OK'd To Use Arrest Record For Discipline

A California appellate court ruled Monday that the state medical board could use evidence from an arrest report to justify censuring a doctor accused of cocaine possession, ruling that state law provided a “blanket exception” to the usual safe harbor for people who completed drug diversion programs when the person in question was a doctor. Read more »

COMPETITION

Disk Drive Consumers Will Ask 9th Circ. To Revive MDL

A class of optical disk drive end consumers on Friday said that they will go to the Ninth Circuit to try and revive their claims in multidistrict litigation accusing Samsung, Toshiba and Philips of conspiring to fix prices on the products that ended up in the computers the customers bought. Read more »

IMMIGRATION

Dems Back Suit Over Immigration-Related Funding Cuts

Dozens of Democratic lawmakers have rallied behind Chicago’s challenge to the Trump administration’s attempt to impose new conditions on a federal public safety grant, saying that they are meant to coerce localities into adopting the president’s immigration policies. Read more »

PEOPLE

Alston & Bird Nabs Gibson Dunn Enviro Pros In Calif.

Alston & Bird LLP said Monday that it has bolstered its environmental litigation offerings with the addition of a pair of Gibson Dunn & Crutcher LLP attorneys in Los Angeles, including a partner with extensive experience handling high-profile matters affecting the oil and gas industry. Read more »

Epstein Becker Adds Venable West Coast L&E Head

Epstein Becker Green has lured another employment-related practice group leader from a competing BigLaw firm to its shores, adding to its Los Angeles office Venable LLP West Coast labor and employment practice head Richard J. Frey and two team members. Read more »

EXPERT ANALYSIS

Indirect Purchaser Cases In 2017: Key District Court Rulings

Over the last year, there were some interesting cases in the indirect purchaser class action arena, with district courts addressing pleading motions, class certification in “pay-for-delay” drug cases, and class certification of nationwide and multistate class claims based on California’s state antitrust law, say Chris Micheletti and Christina Tabacco of Zelle LLP. Read more »

3 Enforcement Priorities For State AGs In 2018

State attorney general campaigns will be in full swing with 31 elections this year. In addition to three top substantive areas, campaign issues themselves will influence how state attorneys general prioritize enforcement, says Joe Jacquot, former chief deputy attorney general of Florida, now with Foley & Lardner LLP. Read more »

5 Legal Technology Predictions For 2018

While each new year is expected to bring fresh challenges to the legal industry, 2018 will be particularly disruptive to the status quo. Both law firms and organizations that cater to the legal community should prepare for developments like increasing pressure from international clients and data security risks caused by multigenerational gaps, says Jeff Ton of Bluelock LLC. Read more »

LEGAL INDUSTRY

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NFI Industries Inc.
NFL Enterprises LLC
New York Times Co.
Oracle Corp.
PG&E Corporation
PHH Corporation
Pacific Legal Foundation
Panasonic Corporation
QUALCOMM Incorporated
RadioShack Corporation
Rimini Street Inc.
Royal Philips NV
Samsung Electronics Co. Ltd.
San Francisco 49ers
Sony Corporation
Spokeo Inc.
Symantec Corporation
Takeda Pharmaceutical Co. Ltd.
Ticketmaster Entertainment, Inc.
Toshiba
Twitter Inc.
Verizon Communications
Wal-Mart Stores Inc.
Yahoo! Inc.

GOVERNMENT AGENCIES

California Department of Justice
California Natural Resources Agency
California Public Utilities Commission
Consumer Financial Protection Bureau
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Illinois Supreme Court
National Labor Relations Board
New York Attorney General's Office
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Supreme Court
Wage and Hour Division

Analysis

The Rise Of Pricing Professionals In BigLaw

The number of pricing professionals at BigLaw firms has snowballed over the past decade as clients seek more alternative fee arrangements and demand increasing complexity and specificity from law firms with regard to their legal bills. Read more »

Ex-Judge, AG Head Stroock's New Harassment Probe Team

Former U.S. District Judge Shira Scheindlin and former New York Attorney General Robert Abrams will head a new Stroock & Stroock & Lavan LLP team specializing in external sexual harassment investigations for corporate clients wary of facing their own #MeToo moments, the firm announced on Monday. Read more »

Cook County Must Provide Instant Access To E-Filed Suits

An Illinois federal judge on Monday ordered Chicago's Cook County Circuit Court to provide access to newly e-filed civil complaints, granting the Courthouse News Service's bid for a preliminary injunction in its suit over delays in access to electronically filed documents. Read more »

Senate Kicks Off More Votes For Trump Judge Picks

The Senate voted Monday to advance one of President Donald Trump's picks for a vacant district court seat in Tennessee, the first of a weeklong set of votes to confirm new federal judges for the state as well as Texas and Georgia. Read more »

Milberg Joins Sanders Phillips Grossman To Form New Firm

Leading class action law firm Milberg LLP said Monday it has entered a new partnership with Sanders Phillips Grossman LLC, a plaintiffs firm focusing on mass tort and personal injury cases, to form Milberg Tadler Phillips Grossman LLP. Read more »

Analysis

15 Minutes With GE Ventures' General Counsel

GE Ventures general counsel Jonas Svedlund recently spoke to Law360 about his outside counsel pet peeves, the one skill he wishes they taught in law school and the risks that come with investing in new business models and technology. Read more »

Practitioner's Guide To Statistical Sampling: Part 1

In the first of four articles on statistical sampling in practice, Brian Kriegler of Econ One Research examines four core principles of random sampling and offers recommendations for justifying statistical inference calculations. Read more »

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